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Dated: September 23, 2003 Signature: [Signature]

(William C. Geary III)

Docket No.: 022727-0066  
(PATENT)

AF/3739  
#5/NE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Albert S. Lee, et al.

Application No.: 09/824,625

Confirmation No.: 8907

Filed: April 2, 2001

Art Unit: 3739

For: METHODS AND APPARATUS FOR  
THERMALLY AFFECTING TISSUES

Examiner: K. Schopfer

RESPONSE AFTER FINAL ACTION (37 CFR 1.116)

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Dear Sir:

In response to the Office Action mailed July 3, 2003, please consider the following remarks.

Remarks

Claims 1-12, 15, 17-19, and 46-49 are pending in the application and all claims are rejected. Applicants respectfully request reconsideration of the rejections in view of the remarks that follow.

Claims 1-5, 7, 8, 12, 19, 46, and 49

Claims 1-5, 7, 8, 12, 19, 46, and 49 stand rejected as being obvious over Stenberg in view of Falk. The Examiner argues that Stenberg teaches all limitations of the claims except for the first and second temperature sensors. The Examiner also argues that the implantable member disclosed by Stenberg is "formed of a shape memory material, a formable wire 9 (column 2, lines 4-7)." In an attempt to fill voids left by the disclosure of Stenberg, the

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